



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,412	03/15/2000	Steve Sheppard	6019.3027	1259

27833 7590 06/29/2004

TECHNOLOGY, PATENTS AND LICENSING, INC.
6206 KELLERS CHURCH ROAD
PIPERSVILLE, PA 18947

EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
----------	--------------

2614

28

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,412

Applicant(s)

SHEPPARD ET AL.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54 and 58 is/are allowed.
- 6) ☒ Claim(s) 1-53 and 55-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because the applicant's newly submitted claim for priority appears to be incorrect with respect to the chain of continuity. In particular it is unclear as to how U.S. Patent application Serial No. 09/026,036 can be both abandoned and listed as US Pat No. 6,317,884. It is the examiner's understanding based upon the chain of continuity of record in the Office that the priority claim should read "... co-pending U.S. patent application serial no. 09/488,275, filed January 20, 2000, which was a continuing prosecution application of U.S. patent application no. 09/026,036, filed on February 19, 1998 (now US Pat No. 6,317,884) ... ". Appropriate correction is required.

Priority

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. In particular, the later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994). The priority derived from the Eames et al. reference includes subject matter pertaining to the configuration of the residential gateway (Figures 1-4), but does not provide priority as to the interconnection/installation of the gateway illustrated in Figures 3-5 of the Swisher et al.

Art Unit: 2614

reference. The earlier filled applications further appear to provide support for the negative limitations introduced by applicant's amendment, however, such subject matter does not appear to have been carried forward to the instant application in sufficient detail so as to be enabling. Accordingly, the application shall be examined on the basis of its filing date or 15 March 2000.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the negative limitation for "transmitting at least one television signal over media from the residential gateway to the at least one television without the at least one television signal going through an intermediate device" must be shown or the feature(s) canceled from the claim(s). Figure 6 illustrates a multiple TV environment however; it appears that only one TV [199] receives television signals "without going through an intermediate device". Figure 8 illustrates a multiple TV [199] embodiment, however, even the local television associated with the S-video connection receives signals through an intermediate device. No new matter should be entered.

Similarly, the negative limitation for "transmitting at least one television signal to the at least one television without sending the television signals through the remote antennae packages" must be shown or the feature(s) canceled from the claim(s). Figure 6 illustrates a remote antenna package [900], however, the Figure clearly illustrates a transmission path from the gateway [200] to the remote antenna module [900] to the television [199]. Figure 8 illustrates a similar embodiment wherein there does not appear to be any way for the

Art Unit: 2614

television signal to be distributed from the gateway [200] except by going through the remote antenna packages [900]. No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

4. Applicant's arguments with respect to claims 1-53 and 55-57 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the prior art nature of the Swisher et al. reference as applied to dependent claims and in conjunction with the usage of Eames reference so as to illustrate the features of

Art Unit: 2614

the residential gateway the examiner disagrees with applicant's assertion that the rejection under 35 U.S.C. 102 reference is improper.

As to the application of Swisher in connection with dependent claims, applicant's arguments are deemed moot in light of the loss of priority to the earlier filled application. However, as the issue may still be relevant subsequent to applicant's response, the examiner shall support his position as to why dependent claims may be rejected while independent claims may not be rejected in a split priority situation given that the applicant continues to argue improper nature of such a rejection. MPEP § 201.11 (Section VI) states that any claim in a continuation-in-part application which is directed solely to subject matter adequately disclosed under 35 U.S.C. 112 in the parent nonprovisional application is entitled to the benefit of the filing date of the parent nonprovisional application. However, if a claim in a continuation-in-part application recites a feature which was not disclosed or adequately supported by a proper disclosure under 35 U.S.C. 112 in the parent nonprovisional application, but which was first introduced or adequately supported in the continuation-in-part application such a claim is entitled only to the filing date of the continuation-in-part application; *In re Chu*, 66 F.3d 292, 36 USPQ2d 1089 (Fed. Cir. 1995); *Transco Products, Inc. v. Performance Contracting Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994); *In re Von Lagenhoven*, 458 F.2d 132, 136, 173 USPQ 426, 429 (CCPA 1972); and *Chromalloy American Corp. v. Alloy Surfaces Co., Inc.*, 339 F. Supp. 859, 874, 173 USPQ 295, 306 (D. Del. 1972). Simply put, claims that introduce any subject matter not supported in the earlier filling, regardless of whether the claim contains subject matter from the earlier filling are examined on the basis of when the claim in its entirety was disclosed/envisioned. Given that

Art Unit: 2614

claims in dependent form are construed to include all the limitations of the claim incorporated by reference into the dependent claim (37 CFR 1.57 (c)), the rejection of dependent claims under Swisher is proper even though the independent claim may receive the benefit of priority.

With respect to the usage of Eames in conjunction with Swisher, the Swisher et al. reference expressly incorporates the Eames et al. (US Pat No. 6,317,884) teachings pertaining to the "residential gateway" [200] into the specification of Swisher (Col 5, Lines 26-33) and as such the rejection is a proper single reference rejection under 35 U.S.C. 102, as opposed to a multiple reference rejection argued by applicant. MPEP § 2163.07(b) [R-1] states that instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed. Accordingly, the examiner's position is that the rejection under Swisher et al. is a proper single reference rejection under 35 U.S.C. 102 as it further comprises the Eames et al. teachings incorporated as filed as if the text was repeated in the originally filled Swisher et al. application.

With respect to claims 50, 52, 53, and 55-57, the examiner does not particularly follow applicant's explanation as to how the limitations are not met. In particular, the usage of the "first direction" and the "second direction" as set forth by the applicant are the opposite of that recited in claim 56 which render the particular reasoning as hard to follow. With respect to the balun [622] serving as both converter for signals in both the upstream and the

Art Unit: 2614

downstream direction, it is the examiner's understanding that both the upstream and downstream signals to/from the telecommunication network [180] so as to facilitate bi-directional communications. Finally, with respect to the examiner equating the "remote antenna module" with the Swisher et al. diplexer [620], it is the examiner's understanding that the diplexer in the direction towards the gateway receives a combined VDSL and "wireless signal" associated with the remote antenna receivers [710] (Figure 2C). Accordingly, the diplexer [620] serves to extract "channel select commands" from the combined signal for transmission towards the gateway.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the specification does not disclose that the "at least one television signal" is "transmitted . . . over media from the residential gateway to the at least one television without the at least one television signal going through an intermediate device". For example, the residential gateway [200] is disclosed as being directly connected to TV [199] via an S-video cable [205] (Page 11, Lines 28-32; Page 17, Lines 5-12). As

Art Unit: 2614

shown in Figure 6, the other televisions [199] are not illustrated as being directly coupled such that the television signal necessarily is “transmitted without . . . going through an intermediate device”. Rather, the other television would appear to be connected via splitter [177]. The embodiment of Figure 8, clearly utilizes an “intermediate device” when transmitting video signals to multiple television including the local television. Accordingly, the only interpretation of the claim appears to be supported within the specification is that embodiment illustrated in Figures 5 and 6 wherein only one television, as opposed to “at least one” television receives the television signal “without going through an intermediate device”.

7. Claims 3-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, claim 3 is directed towards the embodiments wherein each of the remote televisions is associated with a remote antenna package. As illustrated in connection with Figures 6 and 8, the usage of “wireless remote control devices associated with televisions remotely located from the residential gateway” involves the usage of an “intermediate device” in order to distribute the signals to the television. Accordingly, it is unclear in light of applicant’s disclosure as to how when “receiving channel select commands from wireless remote control devices associated with televisions remotely located from the residential gateway” as to how the return path signals are subsequently distributed without “going through an intermediate device”.

Art Unit: 2614

8. Claims 13-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the claim appears contradictory with the independent claim. Independent claim 1 states a negative limitation wherein the transmitting is performed "without going through an intermediate device" and claim 13 introduces the usage of a "intermediate device", namely a media interface device so as to facilitate the signal transmission. Claims 14-17 similarly introduce additional "intermediate devices".
9. Claims 13-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the claim appears contradictory with the independent claim. Independent claim 1 states a negative limitation wherein the transmitting is performed "without going through an intermediate device" and claim 13 introduces the usage of a "intermediate device", namely a media interface device so as to facilitate the signal transmission. Claims 14-17 similarly introduce additional "intermediate devices".
10. Claims 18-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

Art Unit: 2614

claimed invention. The specification discloses that the gateway is operable to distribute a video signal to a "corresponding television without going through an intermediate device" only in conjunction with the embodiment shown in Figure 6 comprising a local television directly coupled to the residential gateway via a S-video output. The preamble of the claim however is given weight in that television are referenced in the body of the claim thereby requiring that the televisions are locatable within at least two separate locations in a residential environment. The gateway is not disclosed as being operable to distribute video signals to the other televisions "without going through an intermediate device" as it comprises only 1 S-video output for direct coupling to a local television.

11. Claims 20-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The introduction of the channel select commands being transmitted over the media from other remote control devices and introduction of the media interface device with corresponding elements (Figure 8) subsequently relies upon disclosed embodiments that do not provide enabling support to make and/or use the claimed subject matter in connection with the negative limitation of the base claim such that "the at least one television signal is transmitted directly from the residential gateway to the corresponding television without going through an intermediate device".
12. Claims 35-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

Art Unit: 2614

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification discloses that the gateway is operable to distribute a video signal to the "appropriate television without the at least one television signal going through an intermediate device" only in conjunction with the embodiment shown in Figure 6 comprising a local television directly coupled to the residential gateway via a S-video output. The preamble of the claim however is given weight in that television are referenced in the body of the claim thereby requiring that the appropriate television any of the multiple televisions. The specification, however, does not disclose that the gateway is operable to distribute video signals to the other televisions "without going through an intermediate device" as it comprises only 1 S-video output for direct coupling to a local television.

13. Claims 37, 38 and 40-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 35 is supported in so far as the "appropriate television without going through an intermediate device" is solely supported in connection to the embodiment shown in Figure 6 comprising a local television directly coupled to the residential gateway. The introduction of the channel select commands being transmitted over the media from other remote control devices and introduction of the media interface device with corresponding elements (Figure 8) subsequently relies upon disclosed embodiments that do not provide enabling support to make and/or use the claimed subject matter in connection with the negative limitation of the

Art Unit: 2614

base claim such that the “at least one television signal” is transmitted “over media from the residential gateway to the appropriate television without the at least one television signal going through an intermediate device”.

14. Claims 45 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the specification does not implicitly or explicitly disclose the negative limitation of “transmitting the television signals to the at least one television without sending the television signals through the remote antennae packages” or the “remote antenna package does not receive television signals from the residential gateway or transmit television signals to the associated television”. Figure 6 illustrates a remote antenna package [900], however, the Figure clearly illustrates a transmission path from the gateway [200] to the remote antenna module [900] to the television [199]. Figure 8 illustrates a similar embodiment wherein there does not appear to be any way for the television signal to be distributed from the gateway [200] except by going through the remote antenna packages [900]. Both the remote antenna package [900] and the televisions appear to be connected to the media [210]. The specification is simply unclear so as to conclude that the remote antenna packages do not receive the television signals and pass them on to the television [199] such that they are somehow coupled to the media [210] in such a way such to not be in the upstream path of the television signal.

Art Unit: 2614

15. Claims 47-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the claim requires that the video processor "transmit the at least one television signal directly to the corresponding television without the at least one television signal going through an intermediate device" in addition to further require the usage of a media interface device. The embodiment referenced by the claim appears to be illustrated in conjunction with Figure 8. As shown in Figure 8, all signals from the "video processor" associated with the residential gateway are required to travel through an "intermediate device" in the form of the media interface. There does not appear to be any disclosure in connection with the embodiment so as to suggest that the gateway in conjunction with the media interface device is operable to transmit a television signal to multiple televisions "without the at least one television signal going through an intermediate device".

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2614

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 1-7, 18-24, 31, 32, and 34-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Eames et al. (WO 98/37648).

Claim 1 is rejected wherein Figures 2-3 of the Eames et al. reference illustrate a method of “receiving, decoding, and distributing video from a telecommunications network” [100/110] to a “plurality of televisions in at least two separate locations” [199] (Figure 5) via a “residential gateway” [200] (Page 9, Lines 6-16). The reference teaches that the “residential gateway” [200] is operable to “receive the video signal from the telecommunications network” (Page 8, Lines 1-20; Page 9, Lines 22-31) and to “receive at least one channel select command” [422] from a “remote control device” [500/700] (Page 10, Lines 13-18). Subsequent to the “select command” the “residential gateway” [200] is operable to “transport the video signal over a video bus” [429] wherein it is “processed” [430] and “transmitted over media from the residential gateway” to the aforementioned “plurality of televisions” [199] “without the at least one television signal going through an intermediate device” (Page 12, Line 10 – Page 13, Line 12).

Claim 2 is rejected wherein the “optical remote control device” [700] may transmit commands from a “television located in close proximity” to the “optical receiver” [472] within the “residential gateway” [200] (Page 10, Lines 13-18).

Claim 3 is rejected wherein the device is further operable to receive “channel select commands” from “wireless remote control devices” [700] located “remotely from the residential gateway as illustrated in Figures 7 (Page 13, Lines 3-12).

Claim 4 is rejected in light of Figure 7 wherein the disclosure teaches that the “wireless remote control devices” [700] may further transmit “channel select commands” to “remote antennae packages” [710]. The aforementioned “remote antennae packages” [710] subsequently “transmit the wireless signals from the remote antennae packages to the residential gateway to the residential gateway over media” (Page 13, Lines 3-9).

In consideration of claim 5, the examiner broadly interprets the “residential gateway” [200] as illustrated in Figure 6 as being further operable to serve as a “media interface device” wherein the aforementioned “residential gateway” [200] serves as the “interface” for the distribution of signals between the in-home wiring [171] and the telecommunications network [100/110]. Accordingly, the “media interface” is operable to “receive” and “extract” the “channel select commands” using diplexers [640] and subsequently “transmit” the aforementioned commands to “a remote control processor” [472] (Page 12, Lines 28-35 – Page 13, Lines 1-2).

Claim 6 is rejected wherein the “media interface device” [200] interfaces with coaxial cable [171] (Page 9, Lines 18-21).

Claim 7 is rejected wherein the “media interface device” [200] may further comprise a “remote antenna module” [472/470].

Claim 18 is rejected wherein as aforementioned in the rejection of claim 1, the Eames et al. reference discloses a “residential gateway” [200] that is operable to distribute video signals to “plurality of televisions in at least two separate locations” [199] (Figure 7). As illustrated in Figure 6, the “residential gateway” comprises a “receiver” [470/472], a “network interface module” [410], and a “video processor” [430] that “transmits the at least

Art Unit: 2614

one television signal over media to a corresponding television, wherein the at least one television signal is transmitted directly from the residential gateway to the corresponding television without going through an intermediate device" (Page 12, Line 10 – Page 13, Line 12).

Claim 19 is rejected wherein the "residential gateway" [200] of Figure 6 comprises an "optical receiver" [472] which receives commands from an "optical remote control device" [700] associated with a "television located in close proximity" to the "residential gateway" [200] (Page 10, Lines 13-18).

Claim 20 is rejected wherein the "residential gateway" [200] of Figure 6 further comprises a "remote control module" [442] (Page 10, Lines 13-18).

Claim 21 is rejected wherein Figure 7 illustrates "remote antennae packages" [710] in close proximity to and coupled to television which "receives wireless signals" from the "wireless remote control devices" [700] and subsequently inherently "modulates the wireless signal" for transmission over "media" [171] to the "residential gateway" [200] (Page 13, Lines 3-9).

Claim 22 is rejected wherein the "residential gateway" [200] as illustrated in Figure 6 is further operable as a "media interface device" such that it is coupled to the "remote control antennae packages with the media" wherein it further "receives" and "extracts" the "channel select commands" using diplexers [640] (Page 12, Lines 28-35 – Page 13, Lines 1-2).

Claim 23 is rejected wherein the "media interface device" [200] interfaces with coaxial cable [171] (Page 9, Lines 18-21).

Claim 24 is rejected wherein the “media interface device” [200] may further comprise a “remote antenna module” [472/470] for “extracting channel select commands”.

Claim 31 is rejected wherein the aforementioned “media interface device” is “directly connected” to or embedded within the “residential gateway” [200].

Claim 32 is rejected wherein the “residential gateway” [200] as illustrated in Figure 7 is operable to “transmit the processed television signal” to at least one “television” [199] (Page 9, Lines 6-16).

Claim 34 is rejected wherein the “residential gateway” [200] as illustrated in Figure 4 may comprise a “combiner” [482].

Claim 35 is rejected wherein Figure 3 of the Eames et al. reference illustrates a “method of receiving and decoding signals” from a “telecommunications network” [100/110] and transmitting the signals from the “residential gateway” [200] to a “plurality of devices” [193/194/199]. As illustrated, the “residential gateway” [200] serves to connect each of the plurality of devices and the telecommunications network” (Page 8, Lines 16-20). Turning to Figures 6 and 7, the “residential gateway” [200] is operable to “receive” [460] a video signal from the telecommunications network [100/110] (Page 10, Lines 3-6) and “channel select commands” from a “remote control device” [700] (Page 10, Lines 13-18) such that the “processing” of [430] these commands results in the “transmission” of the video signal “over media from the residential gateway” [171/205] to the aforementioned “plurality of televisions” [199] “without the at least one television signal going through an intermediate device” (Page 12, Line 10 – Page 13, Line 12).

Art Unit: 2614

Claim 36 is rejected wherein the Eames et al. reference discloses that the “residential gateway” [200] further comprises an “S-video” connector [474] (Page 10, Lines 10-12).

Claim 37 is rejected wherein the aforementioned “residential gateway” [200] as illustrated in Figures 6 and 7 includes connecting televisions [199] remotely located from the “residential gateway [200] via “remote antennae packages” [710]. The “residential gateway” [200] further comprises a “media interface device” [640] connected to the “residential gateway” which interfaces with “media” [171] to retrieve the remote controller signals.

Claim 38 is rejected wherein the aforementioned “media interface device” is “directly connected” to or embedded within the “residential gateway” [200].

Claim 39 is rejected as aforementioned wherein the “optical remote control device” [700] may transmit commands from a “television located in close proximity” to the “optical receiver” [472] within the “residential gateway” [200] (Page 10, Lines 13-18).

Claim 40 is rejected wherein the embodiment further comprises “wireless remote control devices” [700] located “remotely from the residential gateway” as illustrated in Figure 7. The “wireless remote control devices” are operable to transmit “channel select commands” (Page 13, Lines 3-12).

Claim 41 is rejected in light of Figure 7 wherein the disclosure teaches that the “wireless remote control devices” [700] may further transmit “channel select commands” to “remote antennae packages” [710]. The aforementioned “remote antennae packages” [710] subsequently “transmit the wireless signals from the remote antennae packages to the residential gateway over media” (Page 13, Lines 3-9).

Claim 42 is rejected wherein as aforementioned the “wireless signals” from the “remote antenna packages” [710] are transmitted over the “media” [171] to the “media interface device” [640]. The “channel select commands” are subsequently “extracted and “transmitted” to the “remote control processor” [442].

Claim 43 is rejected wherein the aforementioned diplexers [640] further serve as a “remote antennae module” in so far as they are operable “for receiving the wireless signals and extracting the channel select commands there from” as aforementioned.

Claim 44 is rejected wherein the Eames et al. reference discloses that the “residential gateway” [200] further comprises an “S-video” connector [474] (Page 10, Lines 10-12).

Claim 45 is rejected wherein Figure 7 of the Eames et al. reference illustrates a “method of receiving and decoding signals” from a “telecommunications network” [100/110] using a “residential gateway” [200]. The “residential gateway” [200] is “connected to the telecommunications network” [460] and to a “plurality of devices” [193/194/199]. As illustrated in Figures 6 and 7, the “residential gateway” [200] is operable to “receive” [442] and “process” [430] “channel select commands” from “wireless remote control device” [700] which “transmit channel select commands as wireless signals” to “remote antennae packages” [710]. Subsequently, the gateway “transmits the television signals to the at least one television without sending the television signals through the remote antennae packages” (Page 12, Line 10 – Page 13, Line 12).

Claim 46 is rejected in view of the “residential gateway” [200] of the Eames et al. reference illustrated in Figures 6 and 7. The “residential gateway” [200] comprises a “network interface module” [410], a “video processor” [430], and a “remote control module”

Art Unit: 2614

[422]. The reference teaches that the “remote control module” [422] receives “channel select commands” which are “extracted” from the “media” [712] by the diplexers [640]. These commands are modulated onto the media via “remote antenna packages” [710] (Page 13, Lines 3-12). Furthermore, the “remote antenna package” [710] “does not receive television signals from the residential gateway or transmit television signals to the appropriate television” (Page 13, Lines 9-12).

Claim 47 is rejected in light of the rejection of Claim 46 wherein the “residential gateway” [200] of the Eames et al. reference illustrated in Figures 6 and 7 comprises a “network interface module” [410], a “video processor” [430], a “remote antennae package” [710], and a “media interface device” [640] for extracting the “channel select command” and “transmitting” it to the “remote control module” [422] of the “residential gateway” [200]. Subsequent to the “select command” the “video processor” [430] “transmits the at least one television signal directly to the corresponding television without the at least one television signal going through an intermediate device” (Page 12, Line 10 – Page 13, Line 12).

18. Claims 45, 46, 50-53, and 55-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Swisher et al. (US Pat No. 6,418,149).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claim 45 is rejected wherein Figure 1 of the Swisher et al. reference illustrates a “method of receiving and decoding signals” from a “telecommunications network” [100/110] and transmitting the signals from the “residential gateway” [200] to a “plurality of devices including multiple televisions” [193/194/199] (Figure 2A). As illustrated, the “residential gateway” [200] serves to “connect” each of the plurality of devices and the telecommunications network” (Col 2, Line 13-15). With respect to the embodiment comprising point-to-point in-home coaxial wiring (Figure 2C), the reference discloses that the “residential gateway” [200], as incorporated by reference, is operable to “receive” [442] and “process” [430] “channel select commands” from “wireless remote control device” [700] which “transmit channel select commands as wireless signals” to “remote antennae packages” [710]. Subsequently, the gateway “transmits the television signals to the at least one television without sending the television signals through the remote antennae packages” (Col 6, Line 64 – Col 7, Line 35).

Claim 46 is rejected in view of the “residential gateway” [200] of the Eames et al. reference illustrated in Figures 6 and 7. The “residential gateway” [200] comprises a “network interface module” [410], a “video processor” [430], and a “remote control module” [422]. The reference teaches that the “remote control module” [422] receives “channel select commands” which are “extracted” from the “media” [712] by the diplexers [640]. These commands are modulated onto the media via “remote antenna packages” [710]. Furthermore, the “remote antenna package” [710] “does not receive television signals from the residential gateway or transmit television signals to the appropriate television” (Col 7, Lines 26-35).

Art Unit: 2614

In consideration of claims 50 and 56, the system comprising the “residential gateway” [200] and associated components illustrated in Figure 3 are interpreted as comprising a “media interface device” as it is operable to support the “directional direction of signals to multiple devices over a media”. The limitations of the claim are met as follows:

- a “first connector” [652] for receiving a “first signal” or “TV signal” in the “first direction” of heading away from the “residential gateway” [200] via cable [646] to a remote television [198];
- a “second connector” [622] for receiving an upstream network signal away from the “residential gateway” [200] and transmitting a “downstream network signal” towards the “residential gateway” [200];
- a “third connector” [610] for transmitting the “TV signal” and the “upstream network signal” away from the “residential gateway” [200] and receiving the “downstream network signal” and “wireless signal” in the direction of the “residential gateway”;
- a “diplexer” [620] for extracting the “network signal from the media” in the direction towards the “residential gateway” [620];
- a “remote antenna module” or “fourth connector” [620] for receiving the “wireless signal” associated with the “channel select commands” modulated into the upstream path (Figure 2C) and transmits it towards the “residential gateway” [200].

Claim 51 is rejected wherein the “media interface device” comprises a “balun” [622].

Art Unit: 2614

Claim 52 is rejected wherein the embodiment includes a “splitter” [652] wherein the “splitter” comprises a “fifth connector” for “transmitting one of the two identical “first signals” in the “first direction” or towards TV3 [198] via the media [646].

Claim 53 is rejected wherein the aforementioned further comprises a “combiner” [650].

Claim 55 is rejected as aforementioned wherein the aforementioned “media interface device” is “directly connected” to or embedded within the “residential gateway” [200] and is further operable to distributes signals between the multiple devices and the telecommunications network as illustrated in Figures 1 and 2.

Claim 57 is rejected in view of Figure 3 of the aforementioned Swisher et al. reference. The claimed “media interface” is met wherein the Figure comprises “a first connector” [610], a “second connector” [474] (Eames et al: Figure 6), a “third connector” [650], a “diplexer” [620], a “balun” [622], and a “remote antennae module” [640] that is connected to the “diplexer” [620] (Eames et al.: Figure 6).

19. Claims 1, 3-7, 13-14, 18, 20-24, 31, 35, 37-43, and 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehreth (US Pat No. 6,286,142).

In consideration of claim 1, the Ehreth reference discloses a method of “receiving, decoding, and distributing video from a telecommunications network” [40] (Col 1, Lines 44-50) to a “plurality of televisions in at least two separate locations” [100] (Figure 1) via a “residential gateway” [30] (Col 2, Line 59 – Col 3, Line 10). The reference teaches that the “residential gateway” [30] is operable to “receive the video signal from the telecommunications network” (Col 3, Lines 11-34) and to “receive at least one channel select command” [80] from a “remote control device” [70]. Subsequent to the “select command”.

Art Unit: 2614

the “residential gateway” [30] is operable to “transport the video signal” to be “processed” [34] (Col 3, Lines 34-50) and “transmitted” “over the media from the residential gateway” [90] to the aforementioned “plurality of televisions” [100] “without the at least one television signal going through an intermediate device” (Col 3, Lines 2-4; Col 4, Lines 44-62).

Claim 3 is rejected wherein the device is further operable to receive “channel select commands” from IR “wireless remote control devices” [70] located “remotely from the residential gateway” as illustrated in Figure 1 (Col 3, Line 65 – Col 4, Line 12).

Claim 4 is rejected wherein the disclosure teaches that the “wireless remote control devices” [70] may further transmit “channel select commands” to “remote antennae packages” [50]. The aforementioned “remote antennae packages” [50] subsequently “transmit the wireless signals from the remote antennae packages to the residential gateway to the residential gateway over media” (Col 3, Lines 2-5; Col 4, Lines 13-43).

Claim 5 is rejected wherein the “residential gateway” [30] further serves as a “media interface device” in so far as it serves as the “interface” for the distribution of signals between the in-home wiring [90] and the telecommunications network [40]. The claim is not necessarily limiting with respect to the “residential gateway” not being further interpreted as a “media interface device”. Accordingly, the “media interface” is operable to “receive” and “extract” the “channel select commands” and subsequently “transmit” the aforementioned commands to “a remote control processor” [80] (Col 4, Lines 44-62).

Claim 6 is rejected wherein the “media is coaxial cable” and the aforementioned “media interface device” is subsequently a “coaxial interface device” (Col 3, Lines 51-54).

Claim 7 is rejected wherein the “media interface device” [30] may further comprise a “remote antenna module” [80].

Claim 13 is rejected wherein as aforementioned “at least one television signal” [40] is “transmitted” to and “processed” by a “media interface device” [30] for “at least one television” [100].

Claim 14 is rejected wherein the embodiment further comprises a “splitting” the aforementioned “at least one television signal” so as to “transmit” the television signal to “separate locations” based on the requested program (Col 5, Lines 15-29).

Claim 18 is rejected wherein as aforementioned in the rejection of claim 1, the Ehreth reference discloses a “residential gateway” [30] that is operable to distribute video signals to “plurality of televisions in at least two separate locations” [100] (Figure 1) (Col 2, Line 59 – Col 3, Line 10). As illustrated in Figure 1, the “residential gateway” comprises a “receiver” [80], a “network interface module” [32] and a “video processor” [32] that “transmits the at least one television signal over media to a corresponding television, wherein the at least one television signal is transmitted directly from the residential gateway to the corresponding television without going through an intermediate device” (Col 3, Lines 2-4).

Claim 20 is rejected wherein the “residential gateway” [30] further comprises a “remote control module” [80] (Col 4, Line 44 – Col 5, Line 14).

Claim 21 is rejected wherein Figure 1 illustrates “remote antennae packages” [50] in close proximity to and coupled to television which “receives wireless signals” from the “wireless remote control devices” [70] and subsequently inherently “modulates the wireless

Art Unit: 2614

signal” for transmission over “media” [90] to the “residential gateway” [30] (Col 4, Lines 24-43).

Claim 22 is rejected wherein the “residential gateway” [30] comprises a “media interface device” [80] that couples the external telecommunication network [40] to the “remote control antennae packages” [50] via the internal “media” [90]. As aforementioned, the “media interface device” [80] “receives” and “extracts” the “channel select commands” (Col 4, Lines 44-62).

Claim 23 is rejected wherein the “media is coaxial cable” and the aforementioned “media interface device” is subsequently a “coaxial interface device” (Col 3, Lines 51-54).

Claim 24 is rejected wherein the “media interface device” [80] may further comprise a “remote antenna module” that is operable to “extract channel select commands”.

Claim 31 is rejected wherein the aforementioned “media interface device” [80] is “directly connected” to or embedded within the “residential gateway” [30] (Col 4, Lines 48-51).

Claim 35 is rejected wherein the Ehreth reference illustrates a “method of receiving and decoding signals” from a “telecommunications network” [40] and transmitting the signals from the “residential gateway” [30] to a “plurality of devices” [100]. As illustrated, the “residential gateway” [30] serves to connect each of the plurality of devices and the telecommunications network”. The “residential gateway” [30] is operable to “receive” [32] a video signal from the telecommunications network [40] and “channel select commands” from a “remote control device” [70] such that the “processing” [80] these commands results in the “transmission” of the video signal “over the media” [90] from the “residential

gateway" [30] to the "appropriate television" [100] "without the at least one television signal going through an intermediate device" (Col 1, Line 44 – Col 2, Line 5; Col 3, Lines 2-4).

Claim 37 is rejected wherein the aforementioned "residential gateway" [30] as illustrated includes connecting televisions [100] remotely located from the "residential gateway [30] via "remote antennae packages" [50]. The "residential gateway" [200] further comprises a "media interface device" [80] connected to the "residential gateway" which interfaces with "media" [90] to retrieve signals from the "remote antennae packages" [50].

Claim 38 is rejected wherein the aforementioned "media interface device" [80] is "directly connected" to or embedded within the "residential gateway" [30] (Col 4, Lines 48-51).

Claim 39 is rejected wherein the "residential gateway" [30] is further operable to receive [80] "channel select commands" from an IR or "optical remote control devices" [70] located "remotely from the residential gateway" as illustrated in Figure 1 (Col 3, Line 65 – Col 4, Line 12; Col 5, Lines 15-29). The claim does not specify that the "receiver" [80] necessarily receives the signal as an optical signal.

Claim 40 is rejected as aforementioned with respect to claim 39 wherein an IR remote is a "wireless remote control device" [70].

Claim 41 is rejected wherein the disclosure teaches that the "wireless remote control devices" [70] may further transmit "channel select commands" to "remote antennae packages" [50]. The aforementioned "remote antennae packages" [50] subsequently "transmit the wireless signals from the remote antennae packages to the residential gateway over media" (Col 4, Lines 13-23).

Claims 42-43 are rejected wherein as aforementioned the “wireless signals” from the “remote antenna packages” [50] are transmitted over the “media” [90] to the “media interface device” [80]. The “channel select commands” are subsequently “extracted” by a “remote antennae module” [80] and “transmitted” to the “remote control processor” [34] which modulates the signals for distribution (Col 3, Lines 40-46).

Claim 45 is rejected wherein Figure 1 of the Ehreth reference illustrates a “method of receiving and decoding signals” from a “telecommunications network” [40] using a “residential gateway” [30]. The “residential gateway” [30] is “connected to the telecommunications network” [40] and to a “plurality of devices” [100]. The “residential gateway” [30] is operable to “receive” and “process” [80] “channel select commands” from “wireless remote control device” [70] which “transmit channel select commands as wireless signals” to “remote antennae packages” [50] (Col 1, Line 44 – Col 2, Line 5). Subsequently, the “residential gateway” [30] “transmits the television signals to the at least one television without sending the television signals through the remote antennae packages” (Col 3, Lines 2-4).

Claim 46 is wherein the “residential gateway” [200] of the Ehreth reference comprises a “network interface module” [32], a “video processor” [30], and a “remote control module” [80]. The reference teaches that the “remote control module” [80] receives “channel select commands” which are “extracted” from the “media” [90]. These commands are modulated onto the media via “remote antenna packages” [50] wherein “the remote antenna package does not receive television signals from the residential gateway or transmit television signals to the associated television” (Col 3, Lines 2-4).

Art Unit: 2614

Claim 47 is rejected as aforementioned in the rejection of claim 46 wherein the “residential gateway” [30] of the Ehreth reference comprises a “network interface module” [32], a “video processor” [30], a “remote antennae packages” [50], and a “media interface device” [80] for inherently “demodulating” and “extracting” the “channel select command” and “transmitting” it to the “remote control module” [34] of the “residential gateway” [30]. As aforementioned, the “video processor” [32] “transmit[s] the at least one television signal directly to the corresponding television without going through an intermediate device” (Col 3, Lines 2-4).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2614

22. Claims 2, 8-12, 19, 25-30, 32-34, 36, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth (US Pat No. 6,286,142).

In consideration of claims 2 and 19, the Ehreth reference does not explicitly disclose nor preclude that the “receiving at least one channel select command” may not be further conducted via an “optical receiver within the residential gateway”. The examiner takes OFFICIAL NOTICE that the particular usage of an integrated “optical receiver” in conjunction with video program distribution device is notoriously well known in the art. For example, Eames et al. (WO 98/37648) discloses an example of such a gateway (Figures 6-7). Accordingly, it would have been obvious to one of ordinary skill in the art to modify “residential gateway” [30] to further include an IR or “optical receiver” for the purpose of advantageously facilitating the operation of a “television located in close proximity to the residential gateway” [100] that does not accept IR commands.

In consideration of claims 8 and 25, the Ehreth et al. reference discloses that the “wireless remote control devices” may utilize IR signaling or other suitable signal transmission media for entering user input information. The reference subsequently discloses the claimed invention except for the “wireless remote control devices” utilizing UHF as opposed to IR. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to utilize UHF signals since the equivalence of “UHF” and IR for their use in the remote controller art and the selection of any of these known equivalents to remotely control or signal a television would be within the level of ordinary skill in the art as further supported by applicant’s admission of fact. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly utilize a “UHF

Art Unit: 2614

remote control device” for the purpose of providing a remote control device that is not limited to line of sight transmissions.

In consideration of claims 9 and 26, the Ehreth et al. reference does not explicitly disclose the frequency utilized in conjunction with upstream signaling. It is notoriously well known in the art to utilize “433 Mhz” in conjunction with the distribution of “UHF signals” as supported by applicant’s admission of fact. Accordingly, it would have been obvious to one of ordinary skill in the art to “transmit” the UHF signals at “433 MHz” for the purposes of using a standard transmission frequency that is commonly utilized in the transmission of signals from “wireless remote controls”.

In consideration of claim 10, the Ehreth et al. reference does not explicitly specify the “frequency” wherein channel commands are extracted [80]. It is notoriously well known in the art to extract channel select commands as a “1 kHz signal”, as supported by applicant’s admission of fact. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the “remote antennae module” [80], if necessary, to extract the channel select command as a “1 KHz signal” for the purpose of utilizing a simple signaling protocol between the “remote antenna package” [50] and the residential gateway [30].

In consideration of claims 11 and 29, the reference discloses that the embodiment is operable to facilitate bi-directional communications with the “telecommunication network” [40] (Col 3, Lines 11-18) and that the network may transmit both data and video signals (Col 3, Lines 46-60). The reference, however, does not explicitly disclose that the “media interface device” [30] does not further comprise a “duplexer”. The use of duplex filters is

Art Unit: 2614

notoriously well known in the art, as supported by applicant's admission of fact.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the "media interface device" [30] to further comprise provide a "diplexer" for the purpose of ensuring frequency separation between upstream and downstream communications in a manner that further reduces the ingress/egress noise within the system.

In consideration of claims 12 and 30, the reference discloses that the "media interface device" [30] is operable to interface with external transmission media [20] as well as the internal distribution network [90] (Col 3, Lines 18-23). The reference, however, does not explicitly disclose the use of a "balun". The use of "baluns" is notoriously well known in the art, as supported by applicant's admission of fact. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the "media interface device" [30], if necessary, to utilize a "balun" for the purpose of ensuring that the impedance of the external network matches that of the internal network as to reduce noise (reflections) introduced into the system due to mismatched media impedances.

Claim 27 is rejected wherein the "remote antennae packages" [50] "modulates the wireless signal" for transmission over "media" [90] to the "residential gateway" [30] based on the user selectable frequency (Col 4, Lines 24-43).

In consideration of claim 28, the Ehreth et al. reference does not explicitly specify the "frequency" wherein channel commands are extracted [80]. It is notoriously well known in the art to extract channel select commands as a "1 kHz signal". Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the "remote antennae module" [80], if necessary, to extract the channel select command as a "1

Art Unit: 2614

KHz signal” for the purpose of utilizing a simple signaling protocol between the “remote antenna package” [50] and the residential gateway [30].

Claim 32 is rejected wherein the embodiment further comprises a “media interface device” [32/34] for “processing the at least one television signal” and “transmitting the processed television signal to the at least one television”. Both the “network interface” [32] and the “modulating unit” [34] interface with the distribution media [20/90].

Claim 33 is rejected wherein the embodiment further comprises a “splitting” the aforementioned “at least one television signal” so as to “transmit” the television signal to “separate locations” based on the requested program (Col 5, Lines 15-29).

Claim 34 is rejected wherein the aforementioned device comprises a “combiner” [34] that is operable to modulate onto any one of a plurality of downstream RF channels for appropriate distribution over a common medium [90] (Col 3, Lines 40-46).

In consideration of claims 36 and 44, the Ehreth et al. reference suggests that the distribution network [90] may utilize other transmission media and does not explicitly preclude that the distribution network [90] may not utilize “S-video cables” as are known in the art. Accordingly, it would have been obvious to one of ordinary skill in the art to utilize other media to connect a “television located in close proximity” [100], as opposed to those in a remote site [104], to the “residential gateway” [30] for the purpose of improving video quality by distributing each of the color components separately.

Allowable Subject Matter

23. Claims 54 and 58 are allowed.

Art Unit: 2614

24. The following is a statement of reasons for the indication of allowable subject matter:

The applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as the Swisher et al. (US Pat No. 6,418,149) patent at the time this invention was made. Accordingly, the Swisher et al. reference is disqualified as prior art through 35 U.S.C. 102(e), (f) or (g) in any rejection under 35 U.S.C. 103(a) in this application. The applied art does not qualify as prior art under another subsection of 35 U.S.C. 102 and accordingly is disqualified as prior art under 35 U.S.C. 103(a) and as such cannot be modified so as to incorporate an "X by Y splitter with additional connectors" as is known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access


Art Unit: 2614

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

SEB

June 21, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600